

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation  
Against:

**KAREN ELAINE BROOKS**  
**a.k.a. KAREN ELAINE PETERSEN**  
**2214 ½ North Avenue**  
**Chico, CA 95926**

Case No: 2012-545

OAH No. 2012050973

**Registered Nurse License No. 547723**

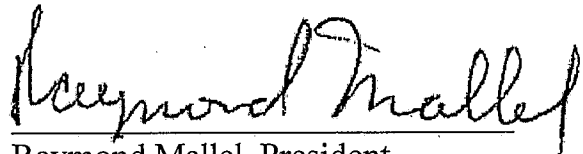
Respondent

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **March 7, 2013.**

IT IS SO ORDERED **March 7, 2013.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 LESLIE A. BURGERMYER  
Deputy Attorney General  
4 State Bar No. 117576  
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5 P.O. Box 944255  
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7 *Attorneys for Complainant*

ORIGINAL

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation  
12 Against:

13 **KAREN ELAINE BROOKS**  
14 **a.k.a. KAREN ELAINE PETERSEN**  
2214 1/2 North Avenue  
Chico, CA 95926

15 Registered Nurse License No. 547723

16 Respondent.

Case No. 2012-545

OAH No. 2012050973

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17  
18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties in this  
19 proceeding that the following matters are true:

20 **PARTIES**

- 21 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board  
22 of Registered Nursing, Department of Consumer Affairs ("Board"). She brought this action  
23 solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney  
24 General of the State of California, by Leslie A. Burgermyer, Deputy Attorney General.
- 25 2. Karen Elaine Brooks, also known as Karen Elaine Petersen, ("Respondent") is  
26 represented in this proceeding by attorney Sharon Cohen, Esq., whose address is Sharon Cohen,  
27 Esq., 1385 Ridgewood Drive, Suite 110, Chico, CA 95973.

3. On or about September 4, 1998, the Board issued Registered Nurse License No. 547723 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-545 and will expire on April 30, 2014, unless renewed.

## JURISDICTION

4. Accusation No. 2012-545 was filed before the Board. The original Accusation and all other statutorily required documents were properly served on Respondent on March 13, 2012. Respondent timely filed her Notice of Defense contesting the Accusation. The First Amended Accusation No. 2012-545 was served on October 29, 2012, and is pending against the Respondent. All new charges contained in the First Amended Accusation are deemed controverted. The First Amended accusation supersedes the original Accusation. A copy of First Amended Accusation No. 2012-545 is attached hereto, marked Exhibit A, and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 2012-545. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
2 executed by an authorized representative of each of the parties.

3 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
4 the Board may, without further notice or formal proceeding, issue and enter the following Order:

5 **ORDER**

6 **IT IS HEREBY ORDERED** that Registered Nurse License No. 547723, issued to  
7 Respondent Karen Elaine Brooks, also known as Karen Elaine Petersen, ("Respondent") is  
8 surrendered and accepted by the Board of Registered Nursing ("Board").

9 1. The surrender of Respondent's Registered Nurse License and the acceptance of the  
10 surrendered license by the Board shall constitute the imposition of discipline against Respondent.  
11 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
12 license history with the Board.

13 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as  
14 of the effective date of the Board's Decision and Order.

15 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was  
16 issued, her wall certificate on or before the effective date of the Decision and Order.

17 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
18 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
19 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
20 effect at the time the petition is filed, and all of the charges and allegations contained in  
21 Accusation No. 2012-545 shall be deemed to be true, correct and admitted by Respondent when  
22 the Board determines whether to grant or deny the petition.

23 5. If and when Respondent's license is reinstated, she shall pay to the Board costs  
24 associated with its investigation and enforcement pursuant to Business and Professions Code  
25 section 125.3 in the combined amount of \$11,366.50, consisting of \$4,265.00 for costs for  
26 enforcement and \$6,764.00 for costs of investigation and \$337.50 for costs for the expert witness  
27 in this matter. Respondent was ordered by the court in the case titled *People v. Karen Elaine*  
28 *Brooks*, Butte County Superior Court Case No. CM036273, to pay \$5,957.00 to the Department

1 of Consumer Affairs as and for restitution. If and when Respondent petitions the Board for  
2 reinstatement of her license, she shall provide proof of payment of restitution as ordered by the  
3 criminal court. Upon license reinstatement, if at all, Respondent shall pay the remaining amount  
4 of restitution to the Board along with the costs for enforcement and expert witness costs.  
5 Respondent shall be permitted to pay the costs in a payment plan approved by the Board.  
6 Nothing in this provision shall be construed to prohibit the Board from reducing the amount of  
7 cost recovery upon reinstatement of the license.

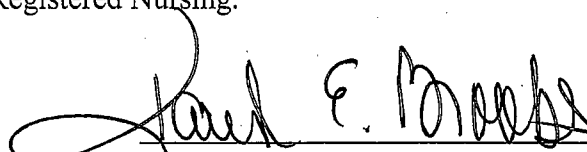
8 6. If Respondent should ever apply or re-apply for a new license or certification, or  
9 petition for reinstatement of a license, by any other health care licensing agency in the State of  
10 California, all of the charges and allegations contained in First Amended Accusation No. 2012-  
11 545 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any  
12 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

13 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)  
14 years from the effective date of the Board of Registered Nursing's Decision and Order.

15 ACCEPTANCE

16 I have carefully read the above Stipulated Surrender of License and Order and have fully  
17 discussed it with my attorney, Sharon Cohen, Esq. I understand the stipulation and the effect it  
18 will have on my Registered Nurse License Number 547723. I enter this Stipulated Surrender of  
19 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
20 Decision and Order of the Board of Registered Nursing.

21  
22 DATED: 12/4/12

23   
KAREN ELAINE BROOKS, a.k.a.  
KAREN ELAINE PETERSEN  
Respondent

24  
25 ///

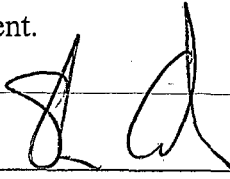
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1 I have read and fully discussed with Respondent Karen Elaine Brooks, also known as Karen  
2 Elaine Petersen, the terms and conditions and other matters contained in this Stipulated Surrender  
3 of License and Order. I approve its form and content.

4  
5 DATED: 12/4/12

  
SHARON COHEN, ESQ.  
Attorney for Respondent

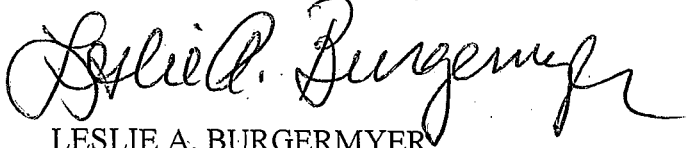
8 **ENDORSEMENT**

9 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
10 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

11 DATED: 12/10/12

Respectfully submitted,

12 KAMALA D. HARRIS  
13 Attorney General of California  
14 JANICE K. LACHMAN  
Supervising Deputy Attorney General

15   
16 LESLIE A. BURGERMYER  
17 Deputy Attorney General  
18 Attorneys for Complainant

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**Exhibit A**

**First Amended Accusation No. 2012-545**



1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 LESLIE A. BURGERMYER  
Deputy Attorney General  
4 State Bar No. 117576  
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5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5337  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation  
12 Against:

Case No. 2012-545

**FIRST AMENDED ACCUSATION**

13 **KAREN ELAINE BROOKS,**  
14 **a.k.a. KAREN ELAINE PETERSEN**  
2214 1/2 North Avenue  
Chico, CA 95926

15 Registered Nurse License No. 547723

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20  
21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this First Amended Accusation  
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
23 ("Board"), Department of Consumer Affairs.

24 2. On or about September 4, 1998, the Board issued Registered Nurse License Number  
25 547723 to Karen Elaine Brooks, also known as Karen Elaine Petersen, ("Respondent").  
26 Respondent's registered nurse license was in full force and effect at all times relevant to the  
27 charges brought herein and will expire on April 30, 2014, unless renewed.

28 ///

## STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions . . .

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license . . .

1 (c) Be convicted of a criminal offense involving the prescription,  
2 consumption, or self-administration of any of the substances described in  
3 subdivisions (a) and (b) of this section, or the possession of, or falsification of a  
4 record pertaining to, the substances described in subdivision (a) of this section, in  
5 which event the record of conviction is conclusive evidence thereof.

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10 7. Health and Safety Code section 11170 states that no person shall prescribe,  
11 administer, or furnish a controlled substance for herself.

12  
13  
14 8. Health and Safety Code section 11173 states, in pertinent part:

15 (a) No person shall obtain or attempt to obtain controlled substances, or  
16 procure or attempt to procure the administration of or prescription for controlled  
17 substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the  
18 concealment of a material fact.

19  
20 9. California Code of Regulations, title 16, section ("Regulation") 1442 states:

21 As used in Section 2761 of the code, 'gross negligence' includes an  
22 extreme departure from the standard of care which, under similar circumstances,  
23 would have ordinarily been exercised by a competent registered nurse. Such an  
24 extreme departure means the repeated failure to provide nursing care as required or  
25 failure to provide care or to exercise ordinary precaution in a single situation which  
26 the nurse knew, or should have known, could have jeopardized the client's health or  
27 life.

### 28 COST RECOVERY

10. Code section 125.3, subdivision (i), provides, in pertinent part, that the Board may  
request the administrative law judge to direct a licensee found to have committed a violation or  
violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
and enforcement of the case.

### CONTROLLED SUBSTANCES

11. **Alprazolam** is a Schedule IV controlled substance as designated by Health and  
Safety Code section 11057, subdivision (d)(1), and is a dangerous drug within the meaning of  
Code section 4022. Alprazolam is a Benzodiazepine.

12. **Ambien**, a brand name for Zolpidem, is a Schedule IV controlled substance as  
designated by Health and Safety Code section 11057, subdivision (d)(32), and is a dangerous  
drug within the meaning of Code section 4022.

1       13. **Benzodiazepines** are Schedule IV controlled substances as designated by Health and  
2 Safety Code section 11057, subdivision (d), and are dangerous drugs within the meaning of Code  
3 section 4022.

4       14. **Hydromorphone** is a Schedule II controlled substance as designated by Health and  
5 Safety Code section 11055, subdivision (b)(1)(J), and is a dangerous drug within the meaning of  
6 Code section 4022.

7       15. **Morphine**, an Opiate, is a Schedule II controlled substance as designated by Health  
8 and Safety Code section 11055, subdivision (b)(1)(L), and is a dangerous drug within the  
9 meaning of Code section 4022.

10       16. **Opiates** are Schedule II controlled substances as designated by Health and Safety  
11 Code section 11055, subdivisions (b) and (c), and are dangerous drugs within the meaning of  
12 Code section 4022.

13                                   **FIRST CAUSE FOR DISCIPLINE**

14                                   **(Impairment While on Duty)**

15       17. Respondent is subject to disciplinary action pursuant to Code section 2761,  
16 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,  
17 subdivision (b), in that while employed as a registered nurse at Oroville Hospital located in  
18 Oroville, California, and on duty in the Extended Care Unit ("ECU"), Respondent used  
19 Benzodiazepines and Opiates to an extent or in a manner dangerous or injurious to herself and  
20 others and to the extent that such use impaired her ability to conduct her nursing duties safely, as  
21 follows:

22               a. On or about June 18, 2010, Respondent reported for duty and could hardly stay  
23 awake during her shift. Respondent made several comments to V.B., a certified nursing assistant  
24 assigned to work with her, that she was tired. Respondent also told V.B. that she drank three  
25 "Red Bull" caffeine drinks, but continued to fall asleep. On or about June 19, 2010, Brooks'  
26 behavior became worse. V.B. observed that Respondent looked tired or "strung out" as if she  
27 were on drugs. Respondent was also observed sleeping in the report room, and acted "loopy"  
28 when V.B. spoke to her. On or about June 20, 2010, during her shift with Respondent, V.B.

1 observed that Respondent's eyes were red, her speech was slurred, she was unsteady on her feet,  
2 and she displayed rapid mood swings from high and happy to low and depressed. At 1100 hours,  
3 Respondent advised V.B. that she was going to lunch, and left the nursing unit. At 1130 hours,  
4 ~~Respondent's patients complained that they had not received their morning pain medications.~~  
5 After Respondent had been gone from the nursing unit for over an hour, V.B. went out to the  
6 parking lot to look for Respondent as she normally took her lunch breaks in her car. V.B. found  
7 Respondent sleeping in her car with the windows up. V.B. confronted Respondent as she  
8 stumbled out of the car. Respondent told V.B. that she was late and needed to get back to work.  
9 V.B. suspected that Respondent had been using drugs and told her that she had two options; either  
10 V.B. would call 911 or she would take Respondent to the emergency room. Respondent chose  
11 the latter. V.B. escorted Respondent to the emergency room, where she underwent a urine drug  
12 test. Respondent tested positive for Benzodiazepines, Opiates, and ACTM/Paracetamol  
13 (Acetaminophen, an over-the-counter drug).

#### 14 **SECOND CAUSE FOR DISCIPLINE**

##### 15 **(Gross Negligence)**

16 18. Respondent is subject to disciplinary action pursuant to Code section 2761,  
17 subdivision (a)(1), on the grounds of unprofessional conduct, in that while employed as a  
18 registered nurse at Oroville Hospital, Oroville, California, and on duty in the ECU, Respondent  
19 committed an act constituting gross negligence as defined in Regulation 1442, as follows: On or  
20 about June 20, 2010, Respondent left the nursing unit and failed to return to care for her patients,  
21 as set forth in paragraph 17, above.

#### 22 **THIRD CAUSE FOR DISCIPLINE**

##### 23 **(Self-Administration and Obtained Controlled Substance)**

24 19. Respondent is subject to disciplinary action pursuant to Code section 2761,  
25 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,  
26 subdivision (a), as follows:

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1                   **Self-Administered Controlled Substances**

2                   a.     Respondent self-administered the controlled substance Morphine without  
3 lawful authority therefor, as follows: On or about May 26, 2011, during an interview with an  
4 investigator of the Division of Investigation, Department of Consumer Affairs, Respondent stated  
5 that she was taking various medications, including anti-depressants, hormones, Vicoprofen  
6 (Hydrocodone and Ibuprofen ), Xanax (Alprazolam), and Ambien (Zolpidem Tartrate).  
7 Respondent provided the investigator a urine sample for drug testing. Respondent's urine sample  
8 tested positive for Morphine.

9                   **Obtained Controlled Substances**

10                  b.     Respondent obtained Hydromorphone as follows: On or about and between  
11 May 21, 2010, and June 20, 2010, while employed as a registered nurse at Oroville Hospital  
12 located in Oroville, California, and on duty in the Extended Care Unit ("ECU"), Respondent  
13 obtained Hydromorphone, a Schedule II controlled substance and dangerous drug, without lawful  
14 authority.

15                                   **FOURTH CAUSE FOR DISCIPLINE**

16   **(Criminal Conviction)**

17                  20.    Respondent is subject to disciplinary action pursuant to Code section 2761,  
18 subdivision (c), in that on or about May 29, 2012, Respondent was convicted on her plea of nolo  
19 contendere in the case titled *People v. Karen E. Brooks*, Butte County Superior Court Case No.  
20 CMO36273 to violating Health and Safety Code section 11173, subdivision (a) [obtained,  
21 attempted to obtain, procured or attempted to procure the administration of controlled substances  
22 by fraud, deceit, misrepresentation, or subterfuge, or by the concealment of material fact] a  
23 misdemeanor. The controlled substance was Hydromorphone, a Schedule II controlled substance.  
24 Said crime is substantially related to the qualifications, duties, and functions of a registered nurse.  
25 The underlying circumstances are:

26                  a.     On or about and between May 21, 2010, and June 20, 2010, in Butte County the  
27 crime of obtaining controlled substance by fraud, in violation of Health and Safety Code section  
28 11173, subdivision (a), a misdemeanor, was committed by Respondent, who did unlawfully

1 obtain and attempt to obtain a controlled substance, to wit: Hydromorphone and did procure and  
2 attempt to procure the administration of and prescription for said controlled substance by the  
3 concealment of a material fact.

4 **FIFTH CAUSE FOR DISCIPLINE**

5 **(Criminal Conviction Involving Controlled Substance)**

6 21. Respondent is subject to disciplinary action pursuant to Code section 2761,  
7 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,  
8 subdivision (c), in that on or about May 29, 2012, Respondent was convicted on her plea of nolo  
9 contendere in the case titled *People v. Karen E. Brooks*, Butte County Superior Court Case No.  
10 CMO36273 to violating Health and Safety Code section 11173, subdivision (a) [obtained,  
11 attempted to obtain, procured or attempted to procure the administration of controlled substances  
12 by fraud, deceit, misrepresentation, or subterfuge, or by the concealment of material fact] a  
13 misdemeanor. The controlled substance was Hydromorphone, a Schedule II controlled substance.  
14 Said crime is substantially related to the qualifications, duties, and functions of a registered nurse.  
15 The underlying circumstances are set forth in paragraph 20.a, above, incorporated herein by  
16 reference.

17 **PRAYER**

18 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
19 and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 547723, issued to Karen  
21 Elaine Brooks, also known as Karen Elaine Petersen;

22 2. Ordering Karen Elaine Brooks, also known as Karen Elaine Petersen, to pay the  
23 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this  
24 case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: October 29, 2012 for Maai Ben  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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